

1884-028 Chancery Cause: John D. Sharp, asgn. vs. Jeremiah Daugherty &
Lee Co.

Miller, Jones, Bolin

Ch-Debt
T-Property

-Deed

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia

Humbly complaining Your
Orator John D. Sharp who is assignee of one
William P. Miller. would respectfully show
and state to your Honor that heretofore to wit
on the 31st day of August 1875 That Jeremiah
Daugherty Joseph Daugherty and David Daugh-
erty executed to William P. Miller their note
under seal for the sum of \$147⁰⁰. This note
became due and payable two years after the date
thereof to wit on the 31st day of August 1877. This
note bears interest from the date thereof, and
is filed herewith as part of my record (A)
Your Orator will further show your Honor that
on the 2nd day of October 1875 the said Miller
sold and assigned said note to your Orator for
value received as fully appears by reference
to his said assignment endorsed on said note
in writing. Your Orator alleges and will
show your Honor that this note was executed
as part of the purchase price of a tract of
land which the said Miller sold to the said
Daughertys and which land he bound him-
self to convey to them as soon as the purchase
price thereof was fully paid to him. Your
Orator alleges that the said Miller is ready
and willing to comply to the fullest extent

with his undertaking and agreement and
he files herewith as part hereof the deed of
the said Wm P Miller conveying said Tract of
land in fee simple with covenants of gener-
al warranty to the said

marked (18.) Your Orator further alleges
that the said Miller purchased said
Tract of land from one E. S Bowden who had
purchased it from one R H Bolin and that
the purchase price thereof being fully paid
to the said Bowden and the said Bolin
they each, together with their wives, on the
11th day Sept 1875, conveyed said land to the said
Miller by their deed bearing date on the day and
year aforesaid which is herewith filed marked
(16) as part hereof. The said R H Bolin had
purchased said land from one Wm S Jones
and wife, and they by their deed dated on
the 24th day of November 1874 conveyed the
same to him reserving in said deed a ven-
dors lien for the unpaid purchase money
or balance thereof. Your Orator does not know
whether the said Bolin fully paid to the said
Jones & wife the purchase price of said land
or not but the said Daugherty claims or
says that he has not, but that there is still
due and owing to him some amount or
that the said Jones claims some amount

as still due to him,

Your Orator further alleges that said note and every part thereof is still due and unpaid and that said note being for the purchase price of said land is a lien thereon

The object of your orators bill is to compel the payment of his said debt and to enforce the vendors lien and subject said land to the payment thereof and to clear the title to said land of the claim of the said William A Jones and wife, his prayer therefore is that the said Jeremiah Daugherty Joseph Daugherty David Daugherty Wm A Jones & Manassah his wife R H Bolin and Wm P Miller be made the parties defendant to this bill and that they each be required to answer to several allegations on oath that the said Wm A Jones & Wife be required to set up and establish their lien upon said land if they have any or be forever precluded from asserting any claim to it that the said R H Bolin be required to pay said debt to said Jones and wife if anything be still due to them and your orators lien be enforced and said land or a sufficient thing be sold to pay your Orators

6 5.07 to 100/178
 @ 15.00
 5 3.50
 23.57
 Estimate 5.00
 On clk 28.57
 2 20 July 1881
 St. G. 3.43
 \$34.20

John D. [unclear]
 15 3 [unclear]
 1 3 [unclear]
 Jeremiah Daugherty

Exhibits enclosed

1878 Mr. Bill. Filed Apr.
 Decree & Decree. Miss.
 " Apr. Decree. Miss. Court
 set for hearing by Ref.
 1878 Aug. Decree & Decree
 " No. Court
 1879 Mr. Decree & Decree
 " Aug. & No. Court.
 1880 Mr. Aug. Court.
 1881 Mr. Court. Aug. Court.
 1882 Mr. Aug. & No. Court.
 1883 Mr. Aug. & No. "

all interest and each share if in any
 case this within in his official prayer
 should pray for general relief
 May of 1881
 Morrison D. [unclear]

John D Sharp assignee &c.
vs.

Pliffs

3 Lecher

Jeremiah Daugherty & c.

Defis

This cause came on again this day to be heard upon the papers formerly read in the cause, and the report of C. T. Burr, our special Commissioner this day filed in open Court, and it appearing from said report that the matters involved in said cause are finally settled the cause is taken for the docket.

J D Sharp assignee to

no 3 Decennial

Francis Daugherty etc

Entered page 379.

J. A. St. John
" " Clerk

Enter This day

J. A. K.
" " "

March 28th 1884

John D. Sharp Assignee & Plff
vs
Jeremiah Daugherty et al Defts
In Chy.

This Cause came on this
3rd day of April 1879 to be heard
upon the papers formerly read in
the Cause & the Report of C. J. Dun-
can, Special Commissioner and was
argued by Counsel, and it appearing
to the Court that said Report has ^{been}
filed for more than 10 days before
the first day of this Term and that
there are no exceptions filed thereto, the
same is confirmed on Consideration
whereof it is adjudged, ordered & decreed
that said Commissioner after giving bond
in the sum of \$350.00 Conditioned to faith-
fully account for all moneys collected
by him shall proceed to collect said
bond for the purchased price of said
land when the same falls due, & he
will report his claim to a future
term of this Court & the Cause is Con-
tinued.

John D. Sharp & Co
vs Decree
Jeremiah Daugherty & Co

Entered Page 31
R. W. Orr Jr. D.C.

Entered
J. A. K.
Apr 2
179

John D. Sharp. assignee re. Petff

vs

In chancery.

Jeremiah Doughty et al. vs.

This cause came on this 4th day of September 1878 to be heard upon the bill of the complainant and exhibits filed therewith, and was argued by counsel, And it appearing to the Court that process has been duly served upon all the defendants for more than 30 days before the first day of this Term and they still failing to appear plead answer or demur the bill is taken for confessed against them. It is therefore adjudged ordered and decreed, that the plaintiff as assignee of Wm P Miller recover of the defendants Jeremiah Doughty Joseph Doughty and David Doughty the sum of One hundred and forty seven $50/100$ dollars with interest thereon from the 31st day of August 1875 till paid and the costs of this suit, and the Court being further of opinion that said debt is a lien upon the land purchased from the said Miller by the said Doughtys, it is further adjudged ordered and decreed, that unless the said Jeremiah Doughty, Joseph Doughty and David Doughty or some one for them shall pay to the plaintiff said debt and interest and the costs of this suit within 30 days from the rising of this Court, then that C. L. Duncan who is hereby appointed a Com-

misconer for the purpose do sell at the front door of the Court house of Lee County, the land in the bill mentioned or enough thereof to pay said debt & interest and the costs of this suit and costs and commissions of sale on a credit of six months except a sum sufficient to pay costs of suit and commissions of sale which he will require paid down.

he will take bond with good personal security bearing interest from date for the residue. But before proceeding to execute this decree said Commissioner will advertise the time place and terms of sale for at least 30 days before the day of sale by posting written notices thereof at three public places in said County one of which shall be on the Court house door and another in the neighborhood where said land lies. he will report his action to a future term of this Court and the cause is continued.

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170
18
18
100
30
36
90
150
357
507

John D. Shanks
95-3 Decree
Fremont Township

Continued page 9
R. W. Orr Jr. D.C.

Calc
J. A. K.
Apr 4/78

with interest from date. and paid down
the sum of \$38.85 of this sum your commis
~~ion~~ retained the attorney's fee of \$15.00
and \$10.28 his commission and paid
to James W Orr Cash his costs, which amounted
to \$5.07 his receipt for which is filed herewith
marked (1) and to Thos Ely D.S. his costs
\$3.50 his receipt for which is herewith filed
marked (2) making aggregate paid out
retained \$33.85 which bears in the hands
of your commission a \$5.00 for estimated
costs. The note of said Daugherty is filed
herewith marked (A) all of which is
Respectfully submitted
C. J. Duncan Comr

John D. Sharp assignee

vs
Report of Comr

James W. Daugherty & Co

Filed Nov. 7th 1879.

Wm. M. Orr, Clk.

Received of C. J. Duncan Comr. in the Chy
Cause of John D. Sharp assignee &c vs Jeremiah
Daugherty et als Five dollars & 7cts my fee
in said cause up to Nov^r 1878.

James W Orr. Clerk.

W

Received of C. F. Duncanson Commissioner
in the chancery cause of John D. Shroff assignee
vs. Jeremiah Daugherty its also three dollars
and fifty cents, Shroff's costs in said suit
this the 6th day of January 1879.

Thomas J. Ely D^r
for Thomas S. Ely S^r

(2)

John D Sharp - assignee to

vs

In chancery.

Jeremiah Daugherty.

The undersigned commissioner in the above styled cause has now to report that he has collected all the money for which the said land was sold in this cause most or all of which has been paid, over, and there is nothing else remaining to be done. The cause ought to be stricken from the docket,

March 28th 1884

L. J. Duncan Commissioner

John D Sharp assign
re } Report.

Sarah D Langherty et al

Filed in open court

March 28th 1884

J A Hyatt
clerk

Two ^{years} ~~months~~ after date we or either us bind
ourselves our heirs &c to pay William Pellitter
one hundred and forty seven dollars and fifty
cents with interest from date waiving the benefit
of Homestead and exemption laws witness
our hands and seals This 31st day of August
1875

Jeremiah Gougherty (Seal)
Joseph Gougherty (Seal)
Maria Gougherty (Seal)

This Deed made this the 11th day of September 1876, between Robert H. Boling and Catharine his wife and Elisha J. Bowden and Elizabeth his wife, of the one part, to William P. Miller of the other part, all of the County of Lee and State of Virginia, Witnesseth, that for and in Consideration of the sum Four hundred and thirty dollars paid or secured to be paid, the receipt whereof is hereby acknowledged the parties of the one part doth grant, bargain and sell to the party of the other part, a certain tract or parcel of Land, lying and being in the County of Lee and State of Virginia, being part of the tract formerly owned by W. A. Jones and bounded as follows viz. Beginning at a small Chestnut, a Corner to another tract sold off to Jeremiah Daugherty and with his line S 21 1/2 W 68 poles to a red oak and a line of A. Darringardner, and with a line of his land S 72 1/2 E 86 poles to a large red oak near the top of a high spur on said ridge, N 55 E 88 poles to a large poplar N 61 1/2 W 12 3/4 poles to two small black oaks, dogwood and stake on rather steep ground a little east of the road leading down the long hollow, thence S 21 1/2 W 16 poles to the beginning, The parties of the one part warrant generally the land hereby conveyed, it containing fifty acres, be the same more or less, Witness the following signatures and seals.

Robert H. Boling (seal)
Catharine ^{his} Boling (seal)
Elisha J. Bowden (seal)
Elizabeth ^{his} Bowden (seal)

The above deed was duly acknowledged and admitted to record.

A Copy

Test R W Orr. De.

Wm D. Miller
From ~~3~~ copy of Sud
Robert H. Baldwin et al

"6"

The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting :

WE COMMAND YOU TO SUMMON

*Jeremiah Daugherty, Joseph
Daugherty, David Daugherty, Wm. A. Jones,
Manasha A. Jones his wife, R. W. Bolin and
Wm. P. Miller*

To appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the Clerk's Office at

March

Rules next, to answer a bill in Chancery, exhibited in our said Court against

attmby John D. Sharp assignee of Wm. P. Miller

And have then there this writ. WITNESS, James W. Orr, Clerk of our said Court, at the Court-House, this *26*
day of *Feb'y.*, 1878, in the 10 *2* year of the Commonwealth.

J. W. Orr, Jr. & Co. **CLERK.**

Stinson
John D. Sharp assignee

or S. Sharp & Co.

Jenniah Daugler *et al*

March Rules 1878.

Entered
Thomas J. El D.D.
for Thos J. El D.D.